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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2011-986*

11 **SHARON IDA WATSON**  
12 **1296 Marbella Court**  
13 **Chula Vista, CA 91910**

**A C C U S A T I O N**

14 **Registered Nurse License No. 583022**

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about July 6, 2001, the Board issued Registered Nurse License Number 583022  
24 to Sharon Ida Watson ("Respondent"). The registered nurse license was in full force and effect at  
25 all times relevant to the charges brought herein and will expire on April 30, 2013, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
28 part, that the Board may discipline any licensee, including a licensee holding a temporary or an

1 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of  
2 the Nursing Practice Act.

3 4. Code section 118 provides, in pertinent part, that the withdrawal of an application for  
4 a license after it has been filed with a board . . . shall not deprive the board of its authority to  
5 institute or continue a proceeding against the applicant for the denial of the license upon any  
6 ground provided by law or to enter an order denying the license upon any ground.

7 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
8 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
9 to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
10 (b), the Board may renew an expired license at any time within eight years after the expiration.

11 6. Code section 2761 states, in pertinent part:

12 "The board may take disciplinary action against a certified or licensed  
13 nurse or deny an application for a certificate or license for any of the following:

14 (a) Unprofessional conduct, which includes, but is not limited to, the  
15 following:

16 . . . . .

17 (4) Denial of licensure, revocation, suspension, restriction, or any other  
18 disciplinary action against a health care professional license or certificate by another  
19 state or territory of the United States, by any other government agency, or by another  
20 California health care professional licensing board. A certified copy of the decision  
21 or judgment shall be conclusive evidence of that action....

22 . . . . .

23 (f) Conviction of a felony or of any offense substantially related to the  
24 qualifications, functions, and duties of a registered nurse, in which event the record of  
25 conviction shall be conclusive evidence thereof."

26 7. Code section 2762 states, in pertinent part:

27 It is unprofessional conduct for a person licensed under this chapter to do any  
28 of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed  
by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself,

1 or furnish to another, any controlled substance as defined in Division 10 of the Health and  
2 Safety Code.

3 (b) Use any controlled substance as defined in Division 10 of the Health and  
4 Safety Code . . . or alcoholic beverages . . . to the extent that such use impairs his or her  
5 ability to conduct with safety to the public the practice authorized by his or her license.

6 8. Code section 2770.11 states, in pertinent part:

7 (a) Each registered nurse who requests participation in a diversion program shall  
8 agree to cooperate with the rehabilitation program designed by a committee. Any failure to  
9 comply with the provisions of a rehabilitation program may result in termination of the registered  
10 nurse's participation in a program. The name and license number of a registered nurse who is  
11 terminated for any reason, other than successful completion, shall be reported to the Board's  
12 enforcement program.

13 (b) If a committee determines that a registered nurse, who is denied admission into  
14 the program or terminated from the program, presents a threat to the public or his or her own  
15 health and safety, the committee shall report the name and license number, along with a copy of  
16 all diversion records for that registered nurse, to the Board's enforcement program. The Board  
17 may use any of the records it receives under this subdivision in any disciplinary proceeding.

### 18 19 **COST RECOVERY**

20 9. Code section 125.3 provides, in pertinent part, that the Board may request the  
21 administrative law judge to direct a licentiate found to have committed a violation or violations of  
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
23 enforcement of the case.

### 24 **FIRST CAUSE FOR DISCIPLINE**

#### 25 **(Disciplinary Action by the Texas State Board of Nursing)**

26 10. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),  
27 on the grounds of unprofessional conduct, in that she was disciplined by the Texas State Board of  
28 Nursing ("Texas Board"), as follows:

1           11. On or about December 8, 2009, pursuant to a Board Order in the case entitled *In the*  
2 *Matter of Permanent Certificate Number 712009 Issued to Sharon Ida Watson*, the Texas Board  
3 revoked Respondent's nursing license.

4           12. The Texas Board based its action on the following facts:

5           a. In or about May 2007, Respondent was employed as a Registered Nurse at Methodist  
6 Hospital located in San Antonio, Texas.

7           b. On or about May 17, 2007, through May 20, 2007, while on duty, Respondent  
8 withdrew Morphine from the Pyxis system for Patient Medical Record Number  
9 W119784785, but failed to document or accurately document the administration of the  
10 medications, including signs, symptoms and responses to the medication, in the patient's  
11 Medical Administration Records (MAR) and/or nurse's notes. Respondent committed  
12 these acts on seventeen (17) separate withdrawals from Pyxis during this time period.

13           c. On or about May 21, 2007, Respondent submitted to a drug screen that returned a  
14 positive result for Morphine.

15           d. On or about July 27, 2007, Respondent submitted to a drug screen that returned a  
16 positive result for Alcohol.

17           e. On or about April 11, 2008, Respondent submitted to a drug screen that returned a  
18 positive result for Alcohol.

19           f. On or about May 5, 2008, Respondent submitted to a drug screen that returned a  
20 positive result for Morphine.

21           g. On or about June 30, 2008, while employed with Maxim Healthcare Services,  
22 Respondent withdrew Morphine and Hydromorphone from the Pyxis system, but failed to  
23 document, or accurately document the administration of medications, including signs,  
24 symptoms and responses to medications, in the patient's MAR and/or nurse's notes.  
25 Respondent committed these acts in five (5) separate withdrawals from Pyxis on this date.

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1 Oxycodone from the Pyxis medication dispensing system for patients, charted amounts as  
2 being given to the patients when in fact they were not and retained unknown amounts of  
3 the narcotics for her own use.

4 c. Respondent admitted to investigators that she had diverted narcotics from  
5 TCMD for self use. She also admitted that she would not always administer the  
6 medication to the patient as charted so she could divert the medication.

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8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct Related to Controlled Substances)**

10 15. Respondent is subject to discipline under Code section 2762, subdivision (a) and (b),  
11 on the grounds of unprofessional conduct, in that Respondent committed acts constituting  
12 unprofessional conduct, as more particularly set forth below:

13 a. On or about October 20, 2008, Respondent was employed as a Registered  
14 Nurse at Sharp Memorial Hospital (SMH), located in San Diego, California.

15 b. On or about October 20, 2008, while employed at SMH, Respondent withdrew  
16 Hydromorphone, Morphine and Fentanyl from the Pyxis medication dispensing system  
17 for patients, charted amounts as being given to the patients when in fact they were not and  
18 retained unknown amounts of the narcotics for her own use.

19 c. Respondent admitted to investigators that she had diverted narcotics from SMH  
20 for self use. She also admitted that she would not always administer the medication to the  
21 patient as charted so she could divert the medication.

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23 **FIFTH CAUSE FOR DISCIPLINE**

24 **(Failure to Cooperate with Rehabilitation/Diversion Program)**

25 16. Respondent is subject to discipline under Code section 2770.11, in that Respondent  
26 has failed to cooperate with the Board's Diversion Program as more particularly set forth  
27 below:  
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a. On or about April 19, 2010, Respondent began participating in the Board's Diversion program, administered by Maximus. Respondent agreed to not practice nursing, cooperate with an outpatient treatment program, including 12-step and support group requirements, and to abstain from alcohol and all other mind-altering drugs, except as prescribed by a physician. Respondent would also be required to submit to drug screens to test for the presence of alcohol and/or drugs.

b. On or about October 5, 2010, Respondent was terminated from the Diversion program. The termination was based on random body fluid results showing the presence of Hydrocodone and Hydromorphone. Additionally, Respondent had not entered into the outpatient treatment portion of the Diversion program, as required.

c. Respondent was designated as a Public Risk due to the positive drug screens, her continued use of mind-altering drugs and her refusal to enter into treatment.

### SIXTH CAUSE FOR DISCIPLINE

**(Conviction of a Felony)**

17. Respondent is subject to discipline under Code section 2761, subdivision (f), on the grounds of unprofessional conduct, in that Respondent was convicted of a felony criminal offense, described below.

18. On or about March 17, 2011, in the case entitled *People of the State of California v. Sharon Watson*, Case No. CD232296, Respondent pleaded Guilty to three (3) felony counts for violations of Health and Safety Code section 11173 (A) [Obtaining Prescription Drugs by Fraud/Deceit]. As part of her Guilty plea, Respondent was sentenced and placed on three (3) years of probation, serve 180 days in the county jail (stayed pending successful probation completion), register as a narcotics offender, and to perform 20 days of community service/labor.

19. The circumstances underlying the Guilty plea to the three felony counts are as follows:

(a) Between December 18, 2009 and March 15, 2010, Respondent used her position and access as a registered nurse to obtain Morphine, Hydromorphone and Dilaudid.

1 (b) Respondent admits that she obtained the controlled substances by means of  
2 fraud and deceit on three different occasions.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**

5 20. Respondent is subject to discipline under Code section 2761, subdivision (a), on the  
6 grounds of unprofessional conduct, in that Respondent committed acts constituting unprofessional  
7 conduct, as more particularly set forth in paragraphs 10 through 19, above.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 583022, issued to Sharon  
12 Ida Watson;

13 2. Ordering Sharon Ida Watson, to pay the Board of Registered Nursing the reasonable  
14 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
15 Code section 125.3; and,

16 3. Taking such other and further action as deemed necessary and proper.

17 DATED:

18 June 20, 2011

19 Louise R. Bailey  
20 LOUISE R. BAILEY, M.Ed., RN  
21 Executive Officer  
22 Board of Registered Nursing  
23 Department of Consumer Affairs  
24 State of California  
25 Complainant

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